

AO 440 (Rev. 8/01) Summons in a Civil Action

UNITED STATES DISTRICT COURT

Southern

District of

New York

Altria Group, Inc.  
Plaintiff

SUMMONS IN A CIVIL ACTION

V.

The United States of America  
Defendant

CASE NUMBER:

08 CV 3144

TO: (Name and address of Defendant)

Frank Y. Ng  
LMSB Commissioner  
Internal revenue Service  
1111 Constitution Ave., N.W.  
Attn. SE:LM  
Washington, DC 20224

**YOU ARE HEREBY SUMMONED** and required to serve on PLAINTIFF'S ATTORNEY (name and address)

Lawrence A. Dany III  
Sutherland Asbill & Brennan LLP  
1114 Avenue of the Americas, 40th Floor  
New York, NY 10036

an answer to the complaint which is served on you with this summons, within 60 days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

J. MICHAEL McMAHON

MAR 27 2008

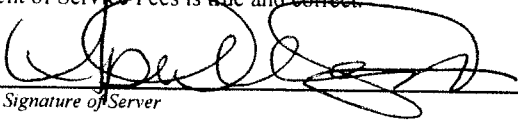
CLERK

*Manos Quintero*

DATE

(By) DEPUTY CLERK

AO 440 (Rev. 8/01) Summons in a Civil Action

RETURN OF SERVICE		
Service of the Summons and complaint was made by me <sup>(1)</sup>	DATE <u>March 27, 2008</u>	
NAME OF SERVER (PRINT) <u>April McElwee</u>	TITLE <u>Paralegal</u>	
Check one box below to indicate appropriate method of service		
<input type="checkbox"/> Served personally upon the defendant. Place where served:  <input type="checkbox"/> Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein. Name of person with whom the summons and complaint were left:  <input type="checkbox"/> Returned unexecuted:  <input checked="" type="checkbox"/> Other (specify): <u>Via certified mail, by depositing in postpaid properly addressed envelope in post office as per Fed Civ. Rule 4(i)</u>		
STATEMENT OF SERVICE FEES		
TRAVEL	SERVICES	TOTAL \$0.00
DECLARATION OF SERVER		
<p>I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.</p> <div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div style="width: 30%;"> <p>Executed on <u>May 22, 2008</u></p> <p style="text-align: center; font-size: small;">Date</p> </div> <div style="width: 60%;">   <p style="text-align: center; font-size: small;">Signature of Server</p> <p><u>Sutherland, Asbill &amp; Brennan, LLP</u>  <u>114 Avenue of the Americas, 40th Fl</u>  <u>New York, NY 10036</u></p> <p style="text-align: center; font-size: small;">Address of Server</p> </div> </div>		

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

Altria Group, Inc.,

Plaintiff,

v.

The United States of America,

Defendant.

Case No. 08-cv-3144

**AFFIDAVIT OF SERVICE**

STATE OF NEW YORK        }  
                                      } ss.:  
COUNTY OF NEW YORK    }

APRIL McELWEE, being duly sworn, deposes and says:

Deponent is not a party to the action, is over the age of 18 years and resides in New York.

That on the 27th day of March, 2008, deponent served the attached SUMMONS WITH COMPLAINT upon the following, via certified mail, by depositing a true copy of same enclosed in a postpaid properly addressed wrapper, in a post office or official depository under the exclusive care and custody of the United States Postal Service:

MICHAEL J GARCIA  
United States Attorney  
U.S. Attorney's Office for the Southern District of New York  
86 Chambers Street  
New York, NY 10007

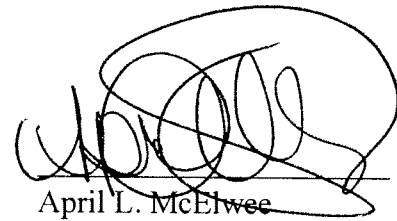
THE HONORABLE MICHAEL B. MUKASEY  
U.S. Department of Justice  
950 Pennsylvania Avenue, N.W.  
Washington, DC 20530-0001

DOUGLAS SHULMAN  
Commissioner  
Internal Revenue Service  
1111 Constitution Avenue, N.W.

Washington, DC 20224

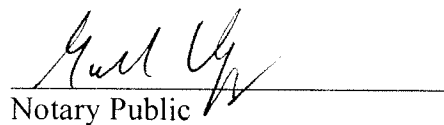
FRANK Y. NG  
LMSB Commissioner  
Internal Revenue Service  
1111 Constitution Avenue, N.W.  
Attn: SE:LM  
Washington, DC 20224

Dated: March 27, 2008  
New York, New York



April L. McElwee

Sworn to and subscribed  
before me, Notary, this 27<sup>th</sup> day  
of March 2008.



Notary Public

**GUILLERMO VAZQUEZ**  
**Notary Public, State of New York**  
**No. 01VA6080415**  
**Qualified in New York County**  
**Commission Expires Sept. 16, 2010**